

UNOFFICIAL VERSION

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THURSDAY, APRIL 5, 2012

SIXTY-EIGHTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 9:00 a.m., and was called to order by Mr. Speaker Ramsey.

PRAYER

The proceedings were opened with prayer by Pastor Tina Mitchell of Trevecca Community Church of Nazarene in Nashville, Tennessee, a guest of Senator Beavers.

PLEDGE OF ALLEGIANCE

Senator Beavers led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 31

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

COMMUNICATION

March 22, 2012

The Honorable Ron Ramsey
Speaker of the Senate
1 Legislative Plaza
Nashville, TN 37243

Dear Mr. Speaker Ramsey:

I request to be excused from the Senate Session on Thursday, April 5, 2012 for the purpose of attending the Civil War Sesquicentennial Commission's event at Pickwick Landing State Park.

Sincerely,

/s/ Bill Ketron
Majority Caucus Chairman

APPROVED: Lieutenant Governor
Ron Ramsey

STANDING COMMITTEE REPORTS

GOVERNMENT OPERATIONS

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 233 with amendment, 1504 with amendment, 2225, 2462 with amendment, 2463 and 3647 with amendment; also, recommend that Senate Bill No. 251 be referred to Committee on Health and Welfare; and Senate Bill No. 3603 with amendment be referred to Committee on State and Local Government.

BELL, Chairperson
April 4, 2012

The Speaker announced that he had referred Senate Bills Nos. 233 with amendment, 1504 with amendment, 2225, 2462 with amendment, 2463 and 3647 with amendment to the Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 251 to the Committee on Health and Welfare.

The Speaker announced that he had referred Senate Bill No. 3603 with amendment to the Committee on State and Local Government.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2487, 2507 with amendment, 2556 with amendment, 2720, 2950, 3222 with amendment and 3629; also, recommend that Senate Bills Nos. 2182 with amendment, 2368, 3176 with amendment and 3395 be referred to Committee on Finance, Ways and Means.

BEAVERS, Chairperson
April 4, 2012

The Speaker announced that he had referred Senate Bills Nos. 2487, 2507 with amendment, 2556 with amendment, 2720, 2950, 3222 with amendment and 3629 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 2182 with amendment, 2368, 3176 with amendment and 3395 to the Committee on Finance, Ways and Means.

STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 948 with amendment, 3573 with amendment, 3596 and 3628 with amendment; and House Joint Resolution No. 649; also, recommend that Senate Bills Nos. 440 with amendment, 1038 with amendment, 1493 with amendment, 1587, 2177 with amendment, 2882 with amendment, 3237, 3348 with amendment and 3350 with amendment be referred to Committee on Finance, Ways and Means.

YAGER, Chairperson
April 4, 2012

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The Speaker announced that he had referred Senate Bills Nos. 948 with amendment, 3573 with amendment, 3596 and 3628 with amendment; and House Joint Resolution No. 649 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 440 with amendment, 1038 with amendment, 1493 with amendment, 1587, 2177 with amendment, 2882 with amendment, 3237, 3348 with amendment and 3350 with amendment to the Committee on Finance, Ways and Means.

PRESENTATION

Senator Yager presented **Senate Joint Resolution No. 695** to Dr. Gary Goff.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **Senate Bill No. 3812** be passed on first consideration, which motion prevailed.

INTRODUCTION OF BILL

The Speaker announced that the following bill was filed for introduction and passed first consideration:

Senate Bill No. 3812 by Senator Herron.

Scotts Hill -- As introduced, subject to local approval, sets 30-day residency requirement to vote in the municipal election; authorizes property rights voting limited to one person per parcel. Amends Chapter 105 of the Private Acts of 2004.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 1069, 2296, 2329, 2806, 3093, 3255, 3274, 3365, 3717 and 3864** be passed on first consideration, which motion prevailed.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 1069 -- Highway Patrol -- As introduced, requires hiring, promotion and retention of commissioned highway patrol officers to be in compliance with state civil service laws. Amends TCA Title 4, Chapter 7 and Title 8, Chapter 30.

House Bill No. 2296 -- Motor Vehicles -- As introduced, creates a voluntary program where senior drivers may receive a "yellow dot" vehicle decal to alert emergency medical responders to a folder in the glove department containing emergency contacts and medical history in the event of an accident; allows responders to use the information to provide emergency treatment; requires written consent for use and disclosure of medical information for such treatment purposes. Amends TCA Title 55, Chapter 20.

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House Bill No. 2329 -- Highway Signs -- As introduced, authorizes placement of signs on Viet Nam Veterans Parkway in Sumner and Davidson counties recognizing fallen soldiers from such counties who perished in the Viet Nam War. Amends TCA Title 54.

House Bill No. 2806 -- General Assembly, Directed Studies -- As introduced, directs the Commissioner of the Department of Human Services to conduct a summer study that will assess the feasibility of more work friendly assistance eligibility and benefits requirements in order to increase workforce participation. Amends TCA Title 71.

House Bill No. 3093 -- Naming and Designating -- As introduced, names fieldhouse at York Institute in honor of Charles Joseph Vaughn.

House Bill No. 3255 -- Taxes, Privilege -- As introduced, reduces the rate of assessment for the realty recordation tax. Amends TCA Section 67-4-409.

House Bill No. 3274 -- Motor Vehicles -- As introduced, prevents car dealerships from being held vicariously liable when loaning a vehicle to a customer with proof of insurance, except in the case of gross negligence. Amends TCA Title 55.

House Bill No. 3365 -- Criminal Offenses -- As introduced, creates a Class A misdemeanor for a person to knowingly prevent or interfere with another person's ability to place an emergency call or to request assistance in an emergency, or to recklessly render unusable a telephone that would be used for an emergency call; elevates such offenses to a Class E felony if the person is previously convicted of such offenses. Amends TCA Title 7; Title 39; Title 40 and Title 65.

House Bill No. 3717 -- Tort Liability and Reform -- As introduced, provides that the damages that may be awarded in a healthcare liability action in which liability is admitted or established, are subject to the "Tennessee Civil Justice Reform Act of 2011". Amends TCA Section 7-57-502; Section 8-42-101; Section 8-21-401; Section 9-8-307; Section 10-7-504; Section 28-3-104; Section 29-26-118; Section 29-26-119; Section 29-26-120; Section 29-26-121; Section 29-26-122; Section 29-26-202; Section 29-20-310; Section 29-26-115; Section 29-26-116; Section 29-26-117; Section 37-5-314; Section 56-3-111; Section 56-30-115; Section 56-31-114; Section 56-32-110; Section 56-32-130; Section 56-54-101; Section 56-54-102; Section 56-54-103; Section 56-54-104; Section 56-54-105; Section 56-54-106; Section 56-7-1001; Section 56-7-101; Section 56-7-115; Section 56-8-104; Section 56-13-104; Section 56-19-125; Section 56-2-201; Section 56-27-115; Section 61-1-306; Section 62-3-121; Section 63-25-110; Section 63-27-112; Section 63-3-119; Section 63-30-111; Section 63-31-109; Section 63-4-114; Section 63-5-124; Section 63-51-105; Section 63-51-111; Section 63-51-117; Section 63-6-214; Section 63-6-219; Section 63-6-221; Section 63-6-234; Section 63-8-120; Section 63-9-111; Section 63-9-117; Section 63-11-215; Section 63-12-124; Section 63-13-209; Section 63-23-108; Section 68-140-311; Section 68-140-511 and Section 68-11-223.

House Bill No. 3864 -- Overton County -- As introduced, subject to local approval, enacts a hotel/motel tax.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 742 through 750**; and **Senate Resolution No. 96** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 742 by Senator Overbey.
Memorials, Heroism -- Master Sergeant Michael Trost.

Senate Joint Resolution No. 743 by Senator Kyle.
Memorials, Academic Achievement -- Darius McGee, Salutatorian, Douglass High School.

Senate Joint Resolution No. 744 by Senator Kyle.
Memorials, Academic Achievement -- Ashley Laprese Caston, Valedictorian, Douglass High School.

Senate Joint Resolution No. 745 by Senator Kyle.
Memorials, Academic Achievement -- Sovanchamrean Yos, Valedictorian, Raleigh-Egypt High School.

Senate Joint Resolution No. 746 by Senator Kyle.
Memorials, Academic Achievement -- Maira A. Lopez, Salutatorian, Raleigh-Egypt High School.

Senate Joint Resolution No. 747 by Senator Faulk.
Memorials, Personal Occasion -- Nell Goodson, 101st birthday.

Senate Joint Resolution No. 748 by Senator Yager.
Memorials, Recognition -- Iris Thompson, 2012 Super Senior.

Senate Joint Resolution No. 749 by Senator Yager.
Memorials, Recognition -- Rusty Branstetter, 2012 Super Senior.

Senate Joint Resolution No. 750 by Senators Finney and Herron.
Memorials, Death -- Paul Edward Meyers II.

Senate Resolution No. 96 by Mr. Speaker Ramsey.
Memorials, Recognition -- Chelsea Rose, 2012 Derryberry Award.

MOTION

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 667 and 849 through 852; Senate Joint Resolutions Nos. 733 through 737 and 739 through 741; and Senate Resolutions Nos. 94 and 95** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

House Joint Resolution No. 667 -- Memorials, Congress -- Urges Congress to overturn the Health & Human Services final interim rule on contraceptives coverage for religiously-affiliated employers.

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The Speaker announced that he had referred House Joint Resolution No. 667 to the Committee on Finance, Ways and Means.

House Joint Resolution No. 849 -- Memorials, Academic Achievement -- Hailey Speck, Valedictorian, Watertown High School.

The Speaker announced that he had referred House Joint Resolution No. 849 to the Committee on Calendar.

House Joint Resolution No. 850 -- Memorials, Recognition -- Volunteer State Bank.

The Speaker announced that he had referred House Joint Resolution No. 850 to the Committee on Calendar.

House Joint Resolution No. 851 -- Memorials, Recognition -- J.B. Donoho Nursery.

The Speaker announced that he had referred House Joint Resolution No. 851 to the Committee on Calendar.

House Joint Resolution No. 852 -- Memorials, Recognition -- Gibson Furniture & Patio, 40th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 852 to the Committee on Calendar.

Senate Joint Resolution No. 733 -- Memorials, Retirement -- Dr. Harry Green, Executive Director of TACIR.

The Speaker announced that he had referred Senate Joint Resolution No. 733 to the Committee on Calendar.

Senate Joint Resolution No. 734 -- Memorials, Academic Achievement -- Alec Mullen, Salutatorian, Mt. Juliet High School.

The Speaker announced that he had referred Senate Joint Resolution No. 734 to the Committee on Calendar.

Senate Joint Resolution No. 735 -- Memorials, Academic Achievement -- Forrest Goodwin, Valedictorian, Mt. Juliet High School.

The Speaker announced that he had referred Senate Joint Resolution No. 735 to the Committee on Calendar.

Senate Joint Resolution No. 736 -- Memorials, Recognition -- Catholic Diocese of Nashville, 175th anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 736 to the Committee on Calendar.

Senate Joint Resolution No. 737 -- Memorials, Retirement -- Clint Parnell.

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The Speaker announced that he had referred Senate Joint Resolution No. 737 to the Committee on Calendar.

Senate Joint Resolution No. 739 -- Memorials, Retirement -- Assistant Chief James T. Carroll, Chattanooga Police Department.

The Speaker announced that he had referred Senate Joint Resolution No. 739 to the Committee on Calendar.

Senate Joint Resolution No. 740 -- Memorials, Death -- Haynes Edwin Elliott.

The Speaker announced that he had referred Senate Joint Resolution No. 740 to the Committee on Calendar.

Senate Joint Resolution No. 741 -- Memorials, Recognition -- Patsy Hazlewood, 2012 Tennessee Woman of Distinction.

The Speaker announced that he had referred Senate Joint Resolution No. 741 to the Committee on Calendar.

Senate Resolution No. 94 -- General Assembly -- Urges the board of medical examiners to promulgate rules to prescribe standards for the practice of cosmetic procedures using laser invasive technology and chemical peels.

The Speaker announced that he had referred Senate Resolution No. 94 to the Committee on Calendar.

Senate Resolution No. 95 -- Memorials, Death -- Rex Bond.

The Speaker announced that he had referred Senate Resolution No. 95 to the Committee on Calendar.

NOTICE

MESSAGE FROM THE HOUSE

April 4, 2012

MR. SPEAKER: I am directed to request the return of Senate Bill No. 1252, for further consideration.

JOE MCCORD,
Chief Clerk.

CONSENT CALENDAR

Senate Bill No. 2241 -- Health, Dept. of -- As introduced, redefines "evidence-based" for purposes of criteria for funding for in-home visitation programs; makes other changes to provisions governing in-home visitations. Amends TCA Title 68, Chapter 1, Part 1.

Senate Bill No. 2962 -- Taxes, Privilege -- As introduced, reduces the rate of assessment for the realty recordation tax. Amends TCA Section 67-4-409.

On motion, Senate Bill No. 2962 was made to conform with **House Bill No. 3255**.

On motion, House Bill No. 3255, on same subject, was substituted for Senate Bill No. 2962.

Senate Bill No. 3262 -- Pensions and Retirement Benefits -- As introduced, adds within a statute governing the investments of TCRS a citation to the statutory provision creating the council on pensions and insurance. Amends TCA Section 8-37-104(a)(10)(A).

Senate Bill No. 3424 -- Planning, Public -- As introduced, authorizes local governments to create grant programs to provide funding to homeowners and developers who invest in blighted property for the purpose of providing stabilization of the value of the neighborhood and increase the value of such property. Amends TCA Title 6; Title 7 and Title 8.

Senator Faulk moved that all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

LOCAL BILL **CONSENT CALENDAR**

Senate Bill No. 3791 -- Jackson -- As introduced, subject to local approval, amends charter relative to the seeking of multiple positions in a single municipal election, vacancy and removal of council members, adoption of a redistricting ordinance, city judge and city court clerk salaries, and other charter revisions.

On motion, Senate Bill No. 3791 was made to conform with **House Bill No. 3863**.

On motion, House Bill No. 3863, on same subject, was substituted for Senate Bill No. 3791.

Senator Faulk moved that all House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

CALENDAR

Senator Norris moved that **Senate Bill No. 2206** be placed on the Calendar for Thursday, April 12, 2012, which motion prevailed.

Senate Bill No. 2212 -- State Government -- As introduced, specifies that state insurance plans are not subject to regulation by the Department of Commerce and Insurance or subject to the jurisdiction of the Department of Health and that no such plan is subject to the insurance laws of this state in Title 56 unless otherwise specifically stated. Amends TCA Title 8, Chapter 27.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-27-207, is amended by adding the following new subsection (n):

(n)(1) The committee shall provide for the financing of the plan and determine premiums, co-payments, benefit levels, and the disposition of government grants and subsidies to assist in the funding and provision of health insurance for enrolled individuals.

(2) Local government agencies enrolled in the plan shall cooperate with the committee in implementing and complying with the determinations of the committee as set forth in section (a). This cooperation includes entering into contracts or memoranda of understanding reflecting the financial determinations of the committee.

(3) The committee is authorized to take either or both of the following actions in response to a local government agency's failure to cooperate with the committee as required by this section:

(A) Assess and collect from the local government agency the costs incurred by the agency's failure to cooperate; and

(B) Terminate the local government agency's participation in the plan.

(4) The termination of the local government agency's participation shall be in effect for two (2) years, and shall be in effect regardless of any language in this chapter to the contrary regarding reinstatement to the plan.

(5) The local government agency shall have the right to request reconsideration of its exclusion before the Committee. The committee's decision of the request for reconsideration shall be final.

SECTION 2. Tennessee Code Annotated, Section 8-27-303, is amended by adding the following subsection (k):

(k)(1) The committee shall provide for the financing of the plan and determine premiums, co-payments, benefit levels, and the disposition of government grants and subsidies to assist in the funding and provision of health insurance for enrolled individuals.

(2) Local education agencies enrolled in the plan shall cooperate with the committee in implementing and complying with the determinations of the committee as set forth in section (a). This cooperation includes entering into contracts or memoranda of understanding reflecting the financial determinations of the committee.

(3) The committee is authorized to take either or both of the following actions in response to a local education agency's failure to cooperate with the committee as required by this section:

(A) Assess and collect from the local education agency the costs incurred by the agency's failure to cooperate; and

(B) Terminate the local education agency's participation in the plan.

(4) The termination of the local education agency's participation shall be in effect for two (2) years, and shall be in effect regardless of any language in this chapter to the contrary regarding reinstatement to the plan.

(5) The local education agency shall have the right to request reconsideration of its exclusion before the Committee. The committee's decision of the request for reconsideration shall be final.

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator McNally moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting the amendatory language "section (a)" in subdivision (n)(2) of Section 1 of the bill, as amended, and substituting instead the language "subdivision (n)(1)".

AND FURTHER AMEND by deleting the amendatory language "section (a)" in subdivision (k)(2) of Section 2 of the bill, as amended, and substituting instead the language "subdivision (k)(1)".

AND FURTHER AMEND by deleting the word "Committee" wherever it appears in the bill as amended and substituting instead the word "committee".

Pursuant to Rule 39(3), Amendment No. 2 was adopted by the following vote:

Ayes 31
Noes 0

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Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

Thereupon, **Senate Bill No. 2212**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senate Bill No. 2240 -- TennCare -- As introduced, revises various provisions of the "Medicaid False Claims Act". Amends TCA Title 71, Chapter 5.

On motion, Senate Bill No. 2240 was made to conform with **House Bill No. 2378**.

On motion, House Bill No. 2378, on same subject, was substituted for Senate Bill No. 2240.

On motion of Senator Crowe, Amendment No. 1 was withdrawn.

On motion of Senator Crowe, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 2378** passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senate Bill No. 2277 -- Motor Vehicles -- As introduced, creates a voluntary program where senior drivers may receive a "yellow dot" vehicle decal to alert emergency medical responders to a folder in the glove compartment containing emergency contacts and medical history in the event of an accident; allows responders to use the information to provide emergency treatment; requires written consent for use and disclosure of medical information for such treatment purposes. Amends TCA Title 55, Chapter 20.

On motion, Senate Bill No. 2277 was made to conform with **House Bill No. 2296**.

On motion, House Bill No. 2296, on same subject, was substituted for Senate Bill No. 2277.

On motion of Senator Tracy, Amendment No. 1 was withdrawn.

Senator Tracy moved that **House Bill No. 2296** be moved five places down on the Calendar for today, which motion prevailed.

Senate Bill No. 2289 -- Purchasing -- As introduced, revises provisions regarding cooperative purchasing agreements and local government purchasing in regard to the utilization of pricing discounts. Amends TCA Title 12, Chapter 3, Part 10.

Senator Overbey declared Rule 13 on **Senate Bill No. 2289**.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, 12-3-1008, is amended by deleting the section in its entirety and substituting the following language:

When purchasing supplies and equipment, any county government is authorized to utilize pricing discounts obtained by the National Association of Counties Financial Services Center Cooperative Purchasing Alliance (NACo Purchasing Alliance), its successor organization, or other national or regional governmental cooperative purchasing program, hereinafter referred to as purchasing program. When any general law, charter or private act requires that a county purchase by competitive bidding, either formal or informal, the procuring government unit may consider the price under any contract or price agreement obtained under a purchasing program authorized pursuant to this section in the same manner as a formal bid or informal quotation obtained under such general law, charter or private act.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2289**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senate Bill No. 2324 -- Sunset Laws -- As introduced, extends the Tennessee arts commission, June 30, 2013. Amends TCA Title 4, Chapter 20 and Title 4, Chapter 29.

Senator Norris declared Rule 13 on **Senate Bill No. 2324**.

On motion, Senate Bill No. 2324 was made to conform with **House Bill No. 2544**.

On motion, House Bill No. 2544, on same subject, was substituted for Senate Bill No. 2324.

On motion of Senator Bell, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2544** passed its third and final consideration by the following vote:

Ayes	30
Noes	0
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

Senator present and not voting was: Summerville--1.

A motion to reconsider was tabled.

Senate Bill No. 2401 -- Highway Signs -- As introduced, authorizes placement of signs on Viet Nam Veterans Parkway in Sumner and Davidson counties recognizing fallen soldiers from such counties who perished in the Viet Nam War. Amends TCA Title 54.

On motion, Senate Bill No. 2401 was made to conform with **House Bill No. 2329**.

On motion, House Bill No. 2329, on same subject, was substituted for Senate Bill No. 2401.

On motion of Senator Tracy, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2329** passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senate Bill No. 2496 -- Business and Commerce -- As introduced, enacts the "Small Business Incentive Act". Amends TCA Title 4; Title 8; Title 12; Title 48; Title 50 and Title 67.

On motion, Senate Bill No. 2496 was made to conform with **House Bill No. 2612**.

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On motion, House Bill No. 2612, on same subject, was substituted for Senate Bill No. 2496.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION __. This act shall be known and may be cited as the "Small Business Incentive Act".

AND FURTHER AMEND by deleting the language "shall have it's own domain name" in the amendatory language of Section 1(a)(1) prior to subdivision (a)(1)(A) and by substituting instead the language "shall have its own domain name".

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 2612**, as amended, passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

Senate Bill No. 2678 -- Highway Signs -- As introduced, names segment of U.S. 70 in DeKalb County in honor of the late PFC Billy Gene Anderson.

Senator Tracy moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting from the final WHEREAS clause in the preamble of the introduced bill the language "a segment of U.S. Highway 70" and substituting instead the language "a bridge on U.S. Highway 70".

AND FURTHER AMEND by deleting Section 1 and Section 2 of the introduced bill and substituting instead the following:

SECTION 1. Notwithstanding any provision of law to the contrary, the bridge spanning Dry Creek on U.S. Highway 70 in DeKalb County is hereby designated the "PFC Billy Gene Anderson Memorial Bridge" in recognition of the life of valor and death in combat of Private First Class Billy Gene Anderson, United States Army, one of Tennessee's most heroic citizens.

SECTION 2. The Department of Transportation is directed to erect suitable signs or to affix suitable markers designating the bridge described in Section 1 as the "PFC Billy Gene Anderson Memorial Bridge". The cost of such signage shall be funded in accordance with Tennessee Code Annotated, § 54-1-133.

AND FURTHER AMEND by deleting Section 5 of the introduced bill in its entirety and redesignating the subsequent section accordingly.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2678**, as amended, passed its third and final consideration by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

FURTHER ACTION ON HOUSE BILL NO. 2296

On motion of Senator Tracy, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 2296** passed its third and final consideration by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senate Bill No. 2684 -- Highway Signs -- As introduced, designates exits on I-40 in Cumberland County for Sergeant Milo Lemert, a Medal of Honor recipient.

On motion, Senate Bill No. 2684 was made to conform with **House Bill No. 2794**.

On motion, House Bill No. 2794, on same subject, was substituted for Senate Bill No. 2684.

On motion of Senator Tracy, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2794** passed its third and final consideration by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senate Bill No. 2699 -- Public Contracts -- As introduced, deletes 2010 amendment that classified certain documents submitted to the state in response to a request for proposal or other procurement method as confidential after completion of the evaluation period. Amends TCA Section 10-7-504; Title 56 and Title 63.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 10-7-504(o), is amended by numbering the existing language as item (i) and then adding the following as Section 10-7-504(o)(ii);

(ii) The comptroller of the treasury, for the purpose of conducting audits or program evaluations, shall have access to the discount, rebate, pricing and descriptions of other financial arrangements cited in Section 10-7-504(n) as submitted in a procurement or as a report to the contractor; provided, however, no official, employee or agent of the State of Tennessee may release or provide for the release, in any form, of information subject to confidential custody under the provisions of subsections (n) and (o) of Section 10-7-504.

SECTION 2. This act shall take effect September 1, 2012, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2699**, as amended, passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

MOTION

Senator Herron moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 760**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 760 by Senator Herron.
Memorials, Recognition -- Homer Malone, sterling service to the members and staff of the Tennessee General Assembly.

On motion of Senator Herron, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 760** was adopted.

A motion to reconsider was tabled.

MOTION

Senator Norris moved that Rule 37 be suspended for the immediate consideration of **Senate Joint Resolution No. 733**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 733 -- Memorials, Retirement -- Dr. Harry Green, Executive Director of TACIR.

On motion of Senator Norris, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 733** was adopted.

A motion to reconsider was tabled.

CALENDAR

Senate Bill No. 2778 -- Highway Signs -- As introduced, names segment of State Route 68 in Monroe County in honor of the late LCpl. Franklin "Frankie" Namon Watson, USMC.

On motion, Senate Bill No. 2778 was made to conform with **House Bill No. 3570**.

On motion, House Bill No. 3570, on same subject, was substituted for Senate Bill No. 2778.

On motion of Senator Tracy, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3570** passed its third and final consideration by the following vote:

Ayes 30
Noes 0

THURSDAY, APRIL 5, 2012 -- 68TH LEGISLATIVE DAY

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

Senate Bill No. 2912 -- Corporations, For Profit -- As introduced, extends the attorney general and reporter's deadline of objection for any proposed public benefit hospital conveyance transaction from 45 days to 60 days and provides an additional 45-day extension to review and consider the transaction. Amends TCA Title 48, Chapter 68.

Senator Overbey declared Rule 13 on **Senate Bill No. 2912**.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 48-68-206, is amended by deleting subdivision (3) in its entirety and substituting instead the following:

(3) Whether the proceeds of the proposed public benefit hospital conveyance transaction will be used consistent with the trust under which the assets are held by the public benefit hospital entity;

SECTION 2. Tennessee Code Annotated, Section 48-68-206, is amended by inserting the following as new subdivisions (4) and (5) and by redesignating the remaining subdivisions accordingly:

(4) Whether the proceeds are used by a county or municipality for general or special revenue obligations not expressly provided for when the hospital was established;

(5) Whether the proceeds will be controlled as funds independently of the acquiring or related entities; provided however, no proceeds shall be returned to any county or municipal government except to the extent necessary to pay lawful obligations to such county or municipal government;

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it. A sale, lease, exchange or other disposition of any assets by an entity which was required to give notice to the attorney general prior to such sale, lease, exchange or other disposition before the enactment of this act shall be governed by the law in effect when such notice was sent.

Senator Overbey moved that **Senate Bill No. 2912** be placed on the Calendar for Monday, April 9, 2012, which motion prevailed.

Senate Bill No. 2955 -- Special License Plates -- As introduced, authorizes issuance of special license plates for honorably discharged Iraqi and Afghanistan veterans on a revenue neutral basis. Amends TCA Title 55, Chapter 4.

THURSDAY, APRIL 5, 2012 -- 68TH LEGISLATIVE DAY

On motion, Senate Bill No. 2955 was made to conform with **House Bill No. 3214**.

On motion, House Bill No. 3214, on same subject, was substituted for Senate Bill No. 2955.

On motion of Senator Tracy, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3214** passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senate Bill No. 3074 -- Lottery, Charitable -- As introduced, authorizes formation of a broad-based school foundation, subject to certain conditions, by a school or its administrators or supporters; authorizes school foundations, although not in existence for at least five years, to be 501(c)(3) organizations for purposes of the Tennessee Charitable Gaming Implementation Law; removes requirement that 501(c)(3) organizations wanting to conduct an annual event to raise no more than \$5,000 be in existence for five years. Amends TCA Title 3, Chapter 17; Title 49, Chapter 2 and Title 49, Chapter 3.

On motion, Senate Bill No. 3074 was made to conform with **House Bill No. 3323**.

On motion, House Bill No. 3323, on same subject, was substituted for Senate Bill No. 3074.

Senator Overbey moved to amend as follows:

AMENDMENT NO. 1

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 3-17-103(a)(1)(A), is amended by adding the following language as a new subdivision:

(vii) Notwithstanding any provision of this chapter to the contrary, within two (2) calendar days after this act becomes law, for the annual event period beginning July 1, 2011, and ending June 30, 2012.

SECTION ____ Tennessee Code Annotated, Section 3-17-103(b), is amended by adding the following language as a new subdivision:

(7) In addition to the omnibus lists transferred to the Clerk of the Senate and the Clerk of the House of Representatives pursuant to subdivisions (1) and (5), the secretary shall transfer an additional omnibus list listing any organizations approved

pursuant to subdivision (a)(1)(A)(vii) and subsection (f) for the annual event period beginning July 1, 2011, and ending June 30, 2012. The list shall be transferred in a manner consistent with subdivision (b)(1) by twelve o'clock (12:00) noon central standard time (CST) within five (5) calendar days after this act becomes law.

SECTION ____ Tennessee Code Annotated, Section 3-17-103(f)(1), is amended by adding the following language as a new subdivision:

(G) Notwithstanding any provision of this chapter to the contrary, within two (2) calendar days after this act becomes law, for the annual event period beginning July 1, 2011, and ending June 30, 2012.

Pursuant to Rule 39(3), Amendment No. 1 was adopted by the following vote:

Ayes 28
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Burks, Crowe, Faulk, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--28.

Thereupon, **House Bill No. 3323**, as amended, passed its third and final consideration by the following vote:

Ayes 26
Noes 0
Present, not voting . . . 1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Ford, Gresham, Harper, Haynes, Johnson, Kelsey, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--26.

Senator present and not voting was: Henry--1.

A motion to reconsider was tabled.

Senator Johnson moved that **Senate Bill No. 3096** be placed on the Calendar for Thursday, April 12, 2012, which motion prevailed.

Senate Bill No. 3137 -- Trusts -- As introduced, includes "persons" in definition of "family member" for purposes of determining which family members a private trust can do business with while maintaining exemptions from the "Banking Act". Amends TCA Title 45, Chapter 2, Part 20.

On motion, Senate Bill No. 3137 was made to conform with **House Bill No. 3338**.

On motion, House Bill No. 3338, on same subject, was substituted for Senate Bill No. 3137.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3338** passed its third and final consideration by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senate Bill No. 3216 -- Pensions and Retirement Benefits -- As introduced, revises provisions governing credit for prior service for persons participating in TCRS as employees of participating local government units. Amends TCA Title 8, Chapter 25, Part 1; Title 8, Chapter 25, Part 3; Title 8, Chapter 34; Title 8, Chapter 35; Title 8, Chapter 36 and Title 8, Chapter 37.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 35, Part 2, is amended by adding the following as new, appropriately designated sections:

8-35-2__.

(a) For purposes of this act, "political subdivision" means any entity authorized to participate in the retirement system pursuant to this part.

(b) The provisions of this act are not applicable to:

(1) State officials, including legislative officials elected by the general assembly, or who are employed in the service of, and whose compensation is payable in whole or in part by, the state, including employees under supervision of the state whose compensation is paid, in whole or in part, from federal or other funds;

(2) Employees of state-supported institutions of higher education; or

(3) Teachers as defined by § 8-34-101(46).

(c) The provisions of this act are applicable only to those employees that political subdivisions hire on or after the effective date of this act.

(d) It is the intent of the general assembly that there shall be multiple options for political subdivisions of the state to participate in the retirement system. It is further the intent of the general assembly that any political subdivision already participating in the retirement system on the effective date of this act may continue to do so without making any changes to its existing

plan. Accordingly, the following additional plans are established and available for adoption by political subdivisions of the state on or after the effective date of this act, in accordance with § 8-35-201.

(e) With respect to any of the plans adopted by a political subdivision on or after the effective date of this act, the following provisions are applicable:

(1) A political subdivision may for employees hired on or after the effective date of this act, freeze, suspend or modify benefits, employee contributions, plan terms and design prospectively; provided, these actions are authorized by an enactment of the general assembly.

(2) Nothing under state law may confer to employees of a political subdivision who are hired on or after the effective date of this act or after the date the political subdivision authorizes its employees to participate in the retirement system in accordance with this part, whichever is later, an implied right to future retirement benefit arrangements. For such employees, a political subdivision may adjust retirement benefit formulas, cost of living adjustments, if allowable, contribution rates, and retirement eligibility ages in accordance with the provisions of this act, unless prohibited by federal law.

(3) Employees hired on or after the effective date of this act or after the date the political subdivision authorizes its employees to participate in the retirement system in accordance with this part, whichever occurs later, may not assert the indefinite continuation of the retirement formulas, contribution rates and eligibility ages in effect at the time of employment.

(4) For all employees hired on or after the effective date of this act or after the date the political subdivision authorizes its employees to participate in the retirement system in accordance with this part, whichever occurs later, the actuarial value of accrued benefits earned prior to any adjustment pursuant to subsection (c)(2) above shall remain an enforceable right and may not be reduced without written consent of the employee unless the employee is convicted of a felony or is otherwise subject to the forfeiture of the employee's retirement benefits in accordance with § 8-35-124.

(5) Benefits accrued under any of the plans adopted pursuant to this act shall be in accordance with the provisions of 26 U.S.C. § 411.

(f) Any political subdivision participating in any of the plans available to it shall be subject to the withdrawal provisions of § 8-35-211 and § 8-35-218. Notwithstanding any other provision of the law to the contrary, a political subdivision, by resolution legally adopted and approved by a majority of the membership of the chief governing body of the political subdivision, may change the plan in which it participates, prospectively. Any such resolution

shall set forth the effective date of the change; provided, that the date shall be on the first day of any quarter following a minimum of six (6) months' notice to the retirement system.

(g) A political subdivision may change its plan and cost of living election, if allowable by the respective plan, no more frequently than once every two (2) years, but only for those employees hired on or after the effective date of this act or after the date the political subdivision authorizes its employees to participate in the retirement system in accordance with this part, whichever is later.

(h) Notwithstanding any provision of this act to the contrary and on or after the effective date of this act, a political subdivision may change its employee contribution rate within a plan as it applies to employees hired on or after the effective date of this act. A political subdivision may change its employee contribution rate no more frequently than once a year, or at such other intervals as the board may determine by rule.

(i) A political subdivision that provided notice of withdrawal pursuant to § 8-35-218 but whose effective withdrawal date is July 1, 2012 is not subject to the above-referenced six months' notice requirement in order to change plans, provided that the resolution to select an alternate plan is adopted prior to July 1, 2012.

8-35-2____.

(a) A political subdivision participating in the retirement system prior to the effective date of this act may continue to do so under the terms and conditions in effect on the effective date of this act without taking any additional action.

(b) Notwithstanding any other law to the contrary and only as it applies to new employees hired on or after the effective date of this act, the political subdivision may require employee contributions of zero percent (0%) of the employees' earnable compensation, or may require employee contributions of two and five-tenths percent (2.5%) of the employees' earnable compensation, or employee contributions of five percent (5%) of the employees' earnable compensation. Any employee contributions assumed or paid by a political subdivision on behalf of its employees shall not be credited to the individual account balances of the employees. In order to effectuate a change in the employee contributions, the political subdivision must pass a resolution legally adopted by a majority of the membership of the chief governing body of the subdivision. Any such resolution shall set forth the effective date of the change in employee contributions; provided, that the date shall be on the first day of any quarter following a minimum of three (3) months' notice to the retirement system.

8-35-2____.

(a) There is established an alternate defined benefit plan that shall offer a service retirement allowance of one and four-tenths percent (1.4%) of

the member's average final compensation, multiplied by the number of years of creditable service.

(b) A political subdivision may, by resolution legally adopted and approved by the chief governing body and in accordance with the procedure set out in § 8-35-201, authorize its employees in all of its departments or instrumentalities to become eligible to participate in the alternate defined benefit plan.

(c) Except as otherwise provided in this subsection (c), any member in the alternate defined benefit plan shall be eligible for service retirement upon attainment of age sixty-five (65) and upon completion of five (5) years of creditable service, or upon attainment of a combination of age and years of creditable service as to equal ninety (90). Any member serving in a position covered by the mandatory retirement provisions of § 8-36-205 shall be eligible for service retirement upon attainment of sixty (60) years of age and upon completion of five (5) years of creditable service, or at any age upon completion of thirty (30) years of creditable service. Further, any member who has creditable service in a position covered by the mandatory retirement provisions of § 8-36-205 and who is entitled to the supplemental bridge benefit established pursuant to § 8-36-211 shall be eligible for service retirement upon attainment of fifty-five (55) years of age and upon completion of twenty-five (25) years of creditable service; provided, that the service rendered while the member was in a position covered by the mandatory retirement provisions shall be independent of all other creditable service for the purpose of calculating the member's retirement benefits under subsection (a) above. The provisions of § 8-36-211(b)(2) shall not apply in calculating the supplemental bridge benefit for members covered by the mandatory retirement provisions of § 8-36-205(a)(2) who retire on an early service retirement allowance pursuant to this subsection (c). Instead, the supplemental bridge benefit shall be equal to three-fourths of one percent (0.75%) of the member's average final compensation, multiplied by the member's years of creditable service when the member was in a position covered by the mandatory retirement provisions of § 8-36-205(a)(2), but reduced by an actuarially determined factor as set by the board from time to time.

(d) Except as otherwise provided in this subsection (d), any member in the alternate defined benefit plan shall be eligible for early service retirement upon attainment of age sixty (60) with twenty (20) years of creditable service, or upon attainment of a combination of age and years of creditable service as to equal eighty (80). Any member serving in a position covered by the mandatory retirement provisions of § 8-36-205 shall be eligible for early service retirement upon attainment of age fifty-five (55) and upon completion of five (5) years of creditable service. The early service retirement allowance calculated under this subsection (d) shall be computed as a service retirement allowance in accordance with subsection (a) but reduced by an actuarially determined factor as set by the board from time to time.

(e) Any member may apply for a disability retirement benefit pursuant to the provisions and criteria set forth in Title 8, Chapter 36, Part 5. All provisions of Title 8, Chapter 36, Part 5 shall be applicable, except that the

disability retirement allowance shall be equal to nine-tenths (9/10) of a service retirement allowance as computed in subsection (a) above and as may be further reduced in accordance with Title 8, Chapter 36, Part 5.

(f) Any reference in Title 8, Chapters 34-37 to the eligibility requirements for an early or service retirement allowance shall for purposes of this section mean the eligibility requirements set forth in subsections (c) and (d) above. Any reference in Title 8, Chapters 34-37 to the formula for computing an early or service retirement allowance, or for computing a disability retirement allowance, shall for purposes of this section mean the applicable formula as set out in subsections (a), (d) or (e) above.

(g) The provisions of §§ 8-36-109(b)(1)(C) and 8-36-123(a)(2) shall not apply in determining the retirement allowance payable under § 8-36-109(b) or under § 8-36-123(a) to a deceased member's surviving spouse, if any. Instead, the retirement allowance payable under such sections shall be reduced by an actuarially determined factor as set by the board from time to time.

(h) In no event shall any member in this alternate defined benefit plan receive a base annual pension benefit of more than eighty thousand dollars (\$80,000) beginning July 1, 2012. Each July 1 thereafter, this amount shall be increased or decreased in accordance with the consumer price index as defined in § 8-36-701(c), and the amount of increase or decrease shall be based on the prior calendar year. The member's annual pension benefit shall be limited to the base benefit in effect at the time of the member's retirement. This provision does not preclude any cost of living adjustments authorized pursuant to § 8-36-701(b)(1).

(i) A political subdivision electing to participate in the retirement system pursuant to this section shall participate in the provisions of the plan as they exist for state employees on the date of participation, except that §§ 8-36-124 and 8-36-209 shall not apply and shall not be optional. Notwithstanding the foregoing, the following provisions shall remain optional to the political subdivision:

- (1) Employee contributions as provided in this section;
- (2) Part-time, seasonal, or temporary employee service credit in accordance with § 8-34-621;
- (3) Mandatory retirement in accordance with § 8-36-205;
- (4) Cost of living increase allowance in accordance with § 8-36-701.

(j) Any member who desires to establish service credit pursuant to the provisions in Title 8, Chapters 34-37 shall pay employee contributions equal to the amount the member would have paid had such member been a member of the system during the period claimed, plus interest at the rate provided in § 8-37-214. Any such service shall be credited to the plan in existence at the time the service is established, provided such plan is with the political subdivision for which the service was rendered.

8-35-2____.

(a)(1) There is established a hybrid plan which consists of a defined benefit plan with a defined contribution plan. The defined benefit plan shall offer a service retirement allowance of one percent (1.0%) of the member's average final compensation, multiplied by the number of years of creditable service. The defined contribution plan shall be a plan that conforms to all applicable laws, rules and regulations of the internal revenue service governing such plans, may be any plan selected by the political subdivision, and may be acquired from any source. Notwithstanding any provision of law to the contrary, a political subdivision electing to participate in the hybrid plan authorized in this section shall provide a cost of living increase allowance pursuant to § 8-36-701(b).

(2) Notwithstanding § 8-35-111 or any other law to the contrary, a political subdivision that adopts the hybrid plan authorized in this section may make employer contributions to the defined contribution plan component of the hybrid plan and to any one or more additional tax deferred compensation or retirement plans provided that the total combined employer contributions to such defined contribution plans on behalf of an employee shall not exceed seven percent (7%) of the employee's salary.

(3) Notwithstanding this or any other provision of law to the contrary, the amount of any employer matching shall not exceed the maximum allowed under the Internal Revenue Code, and shall conform to all applicable laws, rules and regulations of the internal revenue service.

(b) A political subdivision may, by resolution legally adopted and approved by the chief governing body and in accordance with the procedure set out in § 8-35-201, authorize its employees in all of its departments or instrumentalities to become eligible to participate in the hybrid plan.

(c) Except as otherwise provided in this subsection (c), any member in the hybrid plan shall be eligible for service retirement upon attainment of age sixty-five (65) and upon completion of five (5) years of creditable service, or upon attainment of a combination of age and years of creditable service as to equal ninety (90). Any member serving in a position covered by the mandatory retirement provisions of § 8-36-205 shall be eligible for service retirement upon attainment of sixty (60) years of age and upon completion of five (5) years of creditable service, or at any age upon completion of thirty (30) years of creditable service. Further, any member who has creditable service in a position covered by the mandatory retirement provisions of § 8-36-205 and who is entitled to the supplemental bridge benefit established pursuant to § 8-36-211 shall be eligible for service retirement upon attainment of fifty-five (55) years of age and upon completion of twenty-five (25) years of creditable service; provided, that the service rendered while the member was in a position covered by the mandatory retirement provisions shall be independent of all other creditable service for the purpose of calculating the member's

retirement benefits under subsection (a) above. The provisions of § 8-36-211(b)(2) shall not apply in calculating the supplemental bridge benefit for members covered by the mandatory retirement provisions of § 8-36-205(a)(2) who retire on an early service retirement allowance pursuant to this subsection (c). Instead, the supplemental bridge benefit shall be equal to three-fourths of one percent (0.75%) of the member's average final compensation, multiplied by the member's years of creditable service when the member was in a position covered by the mandatory retirement provisions of § 8-36-205(a)(2), but reduced by an actuarially determined factor as set by the board from time to time.

(d) Except as otherwise provided in this subsection (d), any member in the hybrid plan shall be eligible for early service retirement upon attainment of age sixty (60) with twenty (20) years of creditable service, or upon attainment of a combination of age and years of creditable service as to equal eighty (80). Any member serving in a position covered by the mandatory retirement provisions of § 8-36-205 shall be eligible for early service retirement upon attainment of age fifty-five (55) and upon completion of five (5) years of creditable service. The early service retirement allowance calculated under this subsection (d) shall be computed as a service retirement allowance in accordance with subsection (a) but reduced by an actuarially determined factor as set by the board from time to time.

(e) Any member may apply for a disability retirement benefit pursuant to the provisions and criteria set forth in Title 8, Chapter 36, Part 5. All provisions of Title 8, Chapter 36, Part 5 shall be applicable, except that the disability retirement allowance shall be equal to nine-tenths (9/10) of a service retirement allowance as computed in subsection (a) above and as may be further reduced in accordance with Title 8, Chapter 36, Part 5.

(f) Any reference in Title 8, Chapters 34-37 to the eligibility requirements for an early or service retirement allowance shall for purposes of this section mean the eligibility requirements set forth in subsections (c) and (d) above. Any reference in Title 8, Chapters 34-37 to the formula for computing an early or service retirement allowance, or for computing a disability retirement allowance, shall for purposes of this section mean the applicable formula as set out in subsections (a), (d) or (e) above.

(g) The provisions of §§ 8-36-109(b)(1)(C) and 8-36-123(a)(2) shall not apply in determining the retirement allowance payable under § 8-36-109(b) or under § 8-36-123(a) to a deceased member's surviving spouse, if any. Instead, the retirement allowance payable under such sections shall be reduced by an actuarially determined factor as set by the board from time to time.

(h) In no event shall any member in this hybrid plan receive a base annual pension benefit of more than eighty thousand dollars (\$80,000) beginning July 1, 2012. Each July 1 thereafter, this amount shall be increased or decreased in accordance with the consumer price index as defined in § 8-36-701(c), and the amount of increase or decrease shall be based on the prior calendar year. The member's annual pension benefit shall be limited to the

base benefit in effect at the time of the member's retirement, but shall be subject to increase in accordance with the cost of living provisions of § 8-36-701(b)(1).

(i) A political subdivision electing to participate in the retirement system pursuant to this section shall participate in the provisions of the plan as they exist for state employees on the date of participation, except that §§ 8-36-124 and 8-36-209 shall not apply and shall not be optional. Notwithstanding the foregoing, the following provisions shall remain optional to the political subdivision:

(1) Employee contributions as provided in this section;

(2) Part-time, seasonal, or temporary employee service credit in accordance with § 8-34-621;

(3) Mandatory retirement in accordance with § 8-36-205.

(j) Any member who desires to establish service credit pursuant to the provisions in Title 8, Chapters 34-37 shall pay employee contributions equal to the amount the member would have paid had such member been a member of the system during the period claimed, plus interest at the rate provided in § 8-37-214. Any such service shall be credited to the plan in existence at the time the service is established, provided such plan is with the political subdivision for which the service was rendered.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 3. The board may promulgate rules, including emergency rules, in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, that the board deems necessary to effectuate this part.

SECTION 4. This act shall take effect immediately for purposes of rulemaking and for all other purposes on July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator McNally moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting the language "subsection (c)(2)" in Section 8-35-2__ (e)(4) of Section 1 as amended by the amendment with drafting number 1360592 and substituting instead the language "subdivision (e)(2)".

Pursuant to Rule 39(3), Amendment No. 2 was adopted by the following vote:

Ayes 30
Noes 0

THURSDAY, APRIL 5, 2012 -- 68TH LEGISLATIVE DAY

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

Thereupon, **Senate Bill No. 3216**, as amended, passed its third and final consideration by the following vote:

Ayes 28
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson and Mr. Speaker Ramsey--28.

A motion to reconsider was tabled.

MOTION

Senator Henry moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 841**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 841 -- Memorials, Sports -- Vanderbilt University mens basketball team, 2012 SEC Tournament Champions.

On motion of Senator Henry, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 841** was concurred in.

A motion to reconsider was tabled.

CALENDAR

Senate Bill No. 3310 -- Education, Curriculum -- As introduced, requires that a family life education curriculum comply with certain restrictions. Amends TCA Title 49, Chapter 6.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-1005, is amended by deleting the section in its entirety.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, Part 13, is amended by deleting the part in its entirety and by substituting instead the following:

49-6-1301.

As used in this part, unless the context otherwise requires:

(1) "Abstinence" means not participating in any activity that puts an individual at risk for pregnancy or a sexually transmitted disease;

(2)(A) "Abstinence-based" or "abstinence-centered" means an approach that promotes sexual risk avoidance, or primary prevention, and teaches vital life skills that empower youth to identify healthy and unhealthy relationships, accurately understand sexually transmitted diseases and contraception, set goals, make healthy life decisions, and build character;

(B) Abstinence-centered education is a holistic approach that addresses the physical, social, emotional, psychological, economic and educational consequences of non-marital sexual activity;

(3) "Abstinence-centered curriculum" means that the majority of the content of a curriculum promotes sexual risk avoidance as the primary goal. Supplemental topics in the curriculum, such as healthy relationships and substance abuse, reinforce the goal of primary prevention;

(4) "Age-appropriate" means designed to teach concepts, information and skills based on the social, cognitive, emotional and experience level of most students at a particular age level;

(5) "Evidence-based approach" means an approach:

(A) That has a clear theoretical base that integrates research findings with practical implementation expertise that is relevant to the field;

(B) That matches the needs and desired outcomes for the intended audience; and

(C) That if implemented well, demonstrates improved outcomes for the intended audience;

(6) "Family life education" means an abstinence-centered sex education program that builds a foundation of knowledge and skills relating to character development, human development, decision-making, abstinence, contraception and disease prevention;

(7) "Gateway sexual activity" means sexual contact encouraging an individual to engage in a non-abstinent behavior. A person promotes a gateway sexual activity by encouraging, advocating, urging or condoning gateway sexual activities;

(8) "Medically accurate" means information that is grounded in evidence-based, peer-reviewed science and research;

(9)(A) "Puberty" means a developmental stage during which the pituitary gland triggers the production of testosterone in boys and the production of estrogen and progesterone in girls;

(B) Puberty typically begins between the ages of nine (9) and twelve (12) in girls, and between the ages of eleven (11) and fourteen (14) in boys;

(C) Puberty is the period during which adolescents become capable of reproduction and experience various bodily changes;

(10) "Risk avoidance" means an approach that primarily encourages the prevention of participation in risk behaviors such as smoking, underage drinking, drug use and criminal activity, as opposed to merely reducing the consequences of those risk behaviors such as pregnancy, sexually transmitted diseases and infections, dating violence and sexual aggression;

(11) "Sexual activity" means sexual penetration or sexual contact, or both;

(12) "Sexual contact" means sexual contact as defined under § 39-13-501;

(13) "Sexual intercourse" means that a male reproductive organ is inserted into any bodily orifice; and

(14) "Sexually transmitted disease" (STD) means a disease that is caused by bacteria, virus or parasite that is transmitted from one person to another during sexual contact. A sexually transmitted disease is also referred to as a sexually transmitted infection (STI).

49-6-1302.

(a)(1) Beginning with the 1991-1992 school year, if the most recent, annual data maintained by the Department of Health, state center for health statistics, indicate that pregnancy rates in any county exceeded nineteen and five-tenths (19.5) pregnancies per one thousand (1,000) females aged eleven (11) through eighteen (18), then every LEA within the county shall locally devise, adopt, and implement a program of family life education in conformance with the curriculum guidelines established for such programs by this section.

(2) Each LEA that offers a program, course or instruction in sex education shall locally develop and adopt a family life curriculum in compliance with the requirements of this part, or shall adopt the family life curriculum adopted by the State Board of Education.

(3) Each LEA shall prescribe policies and procedures for the implementation, evaluation, and periodic review of the family life curriculum.

(4) Notwithstanding any other law to the contrary, failure of an LEA to comply with this subsection (a) shall subject the LEA to the withholding of state funds by the commissioner.

(b) The State Board of Education shall adopt a complete family life curriculum suitable for implementation by an LEA that fails to develop, adopt, and implement a local curriculum of family life under subsection (a).

(c)(1) Prior to adopting a family life curriculum adopted by the LEA or the State Board of Education, each LEA shall conduct at least one (1) public hearing, at which time the program shall be explained to members of the public and the public shall have the opportunity to speak and express their opinions and concerns. The LEA shall schedule a public hearing not less than once each September.

(2) Each LEA shall undertake appropriate measures, whether in a public hearing or in parent conferences, to ensure and maintain the highest level of community and parental support for family life.

49-6-1303.

(a) Nothing in this part shall prohibit an LEA from utilizing the services of a qualified healthcare professional or social worker to assist in teaching family life.

(b) An LEA shall not utilize the services of any individual or organization to assist in teaching family life if that individual or organization endorses student non-abstinence as an appropriate or acceptable behavior, or if that individual or organization promotes gateway sexual activity.

49-6-1304.

(a) The ideal family life education program provides age-appropriate sex education beginning in kindergarten and continuing through the twelfth grade. At each developmental stage, a family life education program should teach age-appropriate, medically accurate information that builds upon the knowledge and skills that were taught in the previous stage.

(b) A family life curriculum shall, to the extent that the topic and the manner of communication is age-appropriate:

(1) Exclusively and emphatically promote sexual risk avoidance through abstinence, regardless of a student's current or prior sexual experience;

(2) Encourage sexual health by helping students understand how sexual activity affects the whole person including the physical, social, emotional, psychological, economic and educational consequences of non-marital sexual;

(3) Teach the positive results of avoiding sexual activity, the skills needed to make healthy decisions, the advantages of and skills for student success in pursuing educational and life goals, the components of healthy relationships, and the social science research supporting the benefits of reserving the expression of human sexual activity for marriage;

(4) Provide factually and medically-accurate information;

(5) Teach students how to form pro-social habits that enable students to develop healthy relationships, create strong marriages, and form safe and stable future families;

(6) Encourage students to communicate with a parent, guardian, or other trusted adult about sex or other risk behaviors;

(7) Assist students in learning and practicing refusal skills that will help them resist sexual activity;

(8) Address the benefits of raising children within the context of a marital relationship and the unique challenges that single teen parents encounter in relation to educational, psychological, physical, social, legal, and financial factors;

(9) Discuss the interrelationship between teen sexual activity and exposure to other risk behaviors such as smoking, underage drinking, drug use, criminal activity, dating violence, and sexual aggression;

(10) Educate students on the age of consent, puberty, pregnancy, childbirth, sexually transmitted diseases, and the financial and emotional responsibility of raising a child; and

(11) Teach students how to identify and form healthy relationships, and how to identify and avoid unhealthy relationships.

(c) Instruction of the family life curriculum shall not:

(1) Promote, implicitly or explicitly, any gateway sexual activity or health message that encourages students to experiment with non-coital sexual activity;

(2) Provide or distribute materials on school grounds that condone, encourage or promote student sexual activity among unmarried students;

(3) Display or conduct demonstrations with devices specifically manufactured for sexual stimulation; or

(4) Distribute contraception on school property; provided, however, medically-accurate information about contraception and condoms may be provided so long as it is presented in a manner

consistent with the preceding provisions of this part and clearly informs students that while such methods may reduce the risk of acquiring sexually transmitted diseases or becoming pregnant, only abstinence removes all risk.

49-6-1305.

(a) Not less than thirty (30) days prior to commencing instruction of the family life curriculum, each LEA shall notify parents or legal guardians of students whom the LEA anticipates will be present for instruction in sex education that:

(1) The LEA is using a family life curriculum that meets the requirements of state law; and

(2) The parent or legal guardian shall have the right to examine the grade level instructional materials and confer with the student's instructor, school counselor or principal, as designated by the LEA, regarding any or all portions of family life.

(b) A parent or guardian who wishes to excuse a student from any portion of family life shall submit a request, in writing, to the student's instructor, school counselor, or principal. A parent or guardian who wishes to excuse a student from all portions of family life shall submit a request in writing to the student's principal. A student who is excused from any or all portions of family life shall not be penalized for grading purposes if the student satisfactorily performs alternative health lessons.

49-6-1306.

(a) Notwithstanding any other law to the contrary, a parent or legal guardian of a student enrolled in family life may file a complaint with the director of schools if the parent or legal guardian believes that a teacher, instructor, or representative of an organization has not complied with the requirements of this part. The director shall investigate the complaint and report such director's findings, along with any recommendations for disciplinary action, to the local board for further action. The local board shall file, in a timely manner, a report with the commissioner regarding any action or inaction taken. On an annual basis, the commissioner shall transmit those filings to the Chairs of the Education Committees of the Senate and House of Representatives.

(b)(1) If a student receives instruction by an instructor or organization that promotes gateway sexual activity or demonstrates sexual activity, as prohibited under this part, then the parent or legal guardian shall have a cause of action against that instructor or organization for actual damages plus reasonable attorney's fees and court costs; provided, however, this subdivision (b)(1) shall not apply to instruction by teachers employed by the LEA.

(2) If the parent or legal guardian is the prevailing party to the action, the court may impose a civil fine in an amount not to exceed five hundred dollars (\$500).

(3) An action brought under this subsection (b) shall be commenced within one (1) year after the alleged violation occurred.

(c) This section shall not apply to instruction by any teacher, instructor, or organization, who, with respect to a course or class otherwise offered in accordance with the requirements of this part, verbally answers in good faith any question, or series of questions, germane and material to the course, asked of the instructor and initiated by a student or students enrolled in the course.

49-6-1307.

Notwithstanding any other law to the contrary, and regardless of the title or designated name of a particular class or course, any instruction in sex education or sexual activity shall comply with the requirements of this part; provided, however, nothing in this part shall be construed so as to prohibit the scientific study of the sexual reproductive system through coursework in biology, physiology, anatomy, health, or physical education.

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

AMEND by deleting § 49-6-1301(10) in Section 2 and by substituting instead the following language:

(10) "Risk avoidance" means an approach that encourages the prevention of participation in risk behaviors as opposed to merely reducing the consequences of those risk behaviors;

AND FURTHER AMEND by deleting § 49-6-1304(a) in Section 2 in its entirety and by redesignating the subsequent subsections accordingly.

AND FURTHER AMEND by adding the word "deleting" between the words "amended by" and the words "the part" in the directory language of Section 2.

AND FURTHER AMEND by deleting the language "eleven (11) through eighteen (18)" in § 49-6-1302(a) in Section 2 and by substituting instead the language "fifteen (15) through seventeen (17)".

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

On motion of Senator Gresham, Amendment No. 2 to Amendment No. 1 was withdrawn.

On motion, Amendment No. 1, as amended, was adopted.

Thereupon, **Senate Bill No. 3310**, as amended, passed its third and final consideration by the following vote:

Ayes	29
Noes	1
Present, not voting . . .	1

THURSDAY, APRIL 5, 2012 -- 68TH LEGISLATIVE DAY

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--29.

Senator voting no was: Marrero--1.

Senator present and not voting was: Harper--1.

A motion to reconsider was tabled.

Senate Bill No. 3387 -- Surveyors -- As introduced, authorizes instead of requires that the governor select members of board of land survey examiners from lists of nominees submitted by Tennessee Association of Professional Surveyors and other interested surveyor groups. Amends TCA Title 4, Chapter 29; Section 62-18-103 and Section 62-18-104.

On motion, Senate Bill No. 3387 was made to conform with **House Bill No. 3548**.

On motion, House Bill No. 3548, on same subject, was substituted for Senate Bill No. 3387.

House Bill No. 3548 passed its third and final consideration by the following vote:

Ayes	30
Noes	0
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

Senator present and not voting was: Stewart--1.

A motion to reconsider was tabled.

Senate Bill No. 3403 -- Motor Vehicles, Titling and Registration -- As introduced, includes mini-trucks in the definition of medium-speed vehicles; allows mini-trucks to be titled and registered as medium-speed vehicles. Amends TCA Title 55, Chapter 1, Part 1 and Section 55-50-102.

Senate Bill No. 3403 passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

THURSDAY, APRIL 5, 2012 -- 68TH LEGISLATIVE DAY

Senator Gresham moved that **Senate Bill No. 3460** be placed on the Calendar for Thursday, April 12, 2012, which motion prevailed.

Senator Kelsey moved that **Senate Bill No. 3576** be rereferred to the Committee on Calendar, which motion prevailed.

Senate Bill No. 3581 -- Beer -- As introduced, authorizes the beer boards in the four major counties to suspend or revoke the beer permit if the Alcoholic Beverage Commission suspends or revokes the alcohol license of the establishment; requires the commission to notify the beer board of such action taken by the commission. Amends TCA Title 57, Chapter 4, Part 2 and Title 57, Chapter 5, Part 1.

On motion, Senate Bill No. 3581 was made to conform with **House Bill No. 3633**.

On motion, House Bill No. 3633, on same subject, was substituted for Senate Bill No. 3581.

On motion of Senator Yager, Amendment No. 1 was withdrawn.

Senator Watson moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting the language "(432,300)" in subdivision (n)(1)(A) of Section 1 and substituting instead the language "(432,300) or in any county having a population of not less than thirty-five thousand six hundred (35,600) nor more than thirty-five thousand seven hundred (35,700)," and by deleting the language "(432,300)," in subdivision (o)(1) of Section 1 and substituting instead the language "(432,300) or in any county having a population of not less than thirty-five thousand six hundred (35,600) nor more than thirty-five thousand seven hundred (35,700),".

AND FURTHER AMEND by deleting the language "(432,300)," in subdivisions (b)(1) and (c)(1)(A) of Section 2 and substituting instead the language "(432,300) or in any county having a population of not less than thirty-five thousand six hundred (35,600) nor more than thirty-five thousand seven hundred (35,700),".

Pursuant to Rule 39(3), Amendment No. 2 was adopted by the following vote:

Ayes	28
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--28.

Senator Faulk moved to amend as follows:

AMENDMENT NO. 3

AMEND by including Claiborne, Grainger, Hancock, Hawkins, Jefferson and Union Counties.

Pursuant to Rule 39(3), Amendment No. 3 was adopted by the following vote:

3559
UNOFFICIAL VERSION

Ayes 30
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

Thereupon, **House Bill No. 3633**, as amended, passed its third and final consideration by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Stewart, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

Senate Bill No. 3759 -- State Government -- As introduced, requires 10, instead of five, people having an interest in a rule to petition an agency requesting the adoption, amendment or repeal of such rule. Amends TCA Title 4.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-31-102(19), is amended by deleting the phrase "correctional facilities" and by substituting instead the phrase "capital projects".

SECTION 2. Tennessee Code Annotated, Section 4-31-119, is amended by deleting the section in its entirety and by substituting instead the following:

(a) The state delegates to the Tennessee local development authority the authority to allocate on behalf of the state the portion of the "national qualified energy conservation bond limitation", as defined in § 54D of the Internal Revenue Code of 1986, codified in 26 U.S.C. § 54D, that is allocated to the state pursuant to § 54D, in a manner consistent therewith. The authority may make such allocations from a list of recommended allocations presented to it by the Department of Economic and Community Development. The department shall consider both state and local government projects and issuers when developing recommendations.

(b) The Department of Economic and Community Development shall serve as the coordinator and administrator of such Qualified Energy Conservation Bond programs, establishing the terms and provisions of the programs and adopting such procedures with respect to such programs as necessary or appropriate.

(c) The authority has the power and is authorized to issue its negotiable bonds for a qualified energy conservation project as a capital project under Part 4 hereof if the Commissioner of the Department of Economic and Community Development certifies that such project complies with a Qualified Energy Conservation Bond program developed by the department, which certification shall be conclusive. In applying § 47-14-103, and related provisions of Title 47, Chapter 14, to such bonds issued by the authority, the effective rate of the interest on any such bond shall be determined by reducing the interest payable by the authority with respect to such bond by the amount of payments from the United States Treasury Department that the authority expected, at the time of the issuance of such bond, to receive with respect to such bond.

SECTION 3. Tennessee Code Annotated, Section 4-31-405, is amended by adding the following new subsection:

(d) If the capital project is a qualified energy conservation project, the local government unit shall first apply to the Department of Economic and Community Development. Any loan agreement for such qualified energy conservation project must be recommended by the commissioner of that department.

SECTION 4. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3759**, as amended, passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

Senator Crowe moved that **Senate Bill No. 3535** be placed on the Calendar for Thursday, April 19, 2012, which motion prevailed.

House Bill No. 3539 -- Schools, Charter -- As introduced, makes charter schools subject to open meetings law; requires charter schools to maintain a Web site and post certain notices and information on the Web site; makes charter school records open records to the same extent as records of public schools operated by LEAs. Amends TCA Title 49, Chapter 13.

On motion of Senator Gresham, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3539** passed its third and final consideration by the following vote:

Ayes 29
Noes 1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--29.

Senator voting no was: Kelsey--1.

A motion to reconsider was tabled.

MESSAGE CALENDAR

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 673 -- Highways, Roads and Bridges -- As introduced, defines "milldam" for navigable stream obstruction purposes. Amends TCA Title 54 and Title 55.

HOUSE AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Music City Alumni Chapter of Western Kentucky University;

SECTION 2. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

55-4-2__.

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Music City Alumni Chapter of Western Kentucky University new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked plates provided for in this section shall contain the official colors, logo or other distinctive emblem of Western Kentucky University in an appropriate design. Such plates shall be designed in consultation with a representative from the Music City Alumni Chapter of Western Kentucky University.

(c) The funds produced from the sale of such new specialty earmarked license plates shall be allocated to the Music City Alumni Chapter of Western Kentucky University in accordance with § 55-4-215 to be used for scholarship funding for Tennessee students attending Western Kentucky University.

(d) Section 55-4-201(f) shall not apply to the new specialty earmarked license plates authorized by this section.

SECTION 3. Tennessee Code Annotated, Section 55-4-293, is amended by deleting subsection (e) and by substituting instead the following:

(e) Notwithstanding § 55-4-201(h)(1), the Civil War Preservation new specialty earmarked license plates authorized for issuance pursuant to this section shall have one (1) year from the effective date of this act or until July 1, 2013, whichever is later, to meet applicable initial issuance requirements of § 55-4-201(h)(1).

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Tracy moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 673**, which motion prevailed by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

HOUSE AMENDMENT NO. 2

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____.

(a) Notwithstanding Chapter 371 of the Public Acts of 2011 or any other provision of law to the contrary, the segment of State Route 68 in Monroe County between the corporate boundaries of Madisonville and Tellico Plains is hereby designated the "Bob 'Single Wing' Harrill Memorial Highway".

(b) The Department of Transportation is directed to erect suitable signs or to affix suitable markers designating the segment of State Route 68 described in subsection (a) as the "Bob 'Single Wing' Harrill Memorial Highway".

(c) The erection of such signs shall be within the guidelines prescribed by the *Manual on Uniform Traffic Control Devices*.

(d) This section shall become operative only if the federal highway administrator advises the Commissioner of Transportation in writing that the provisions of this section shall not render Tennessee in violation of federal laws and regulations and subject to penalties prescribed therein.

(e) This section shall become operative only if the cost of the manufacture and installation of such signs is paid to the Department of Transportation from nonstate funds within one (1) year of the effective date of this act. Such payment shall be made prior to any expenditure by the state for the manufacture or installation of such

signs. The department shall return any unused portion of the estimated cost to the person or entity paying for such signs within thirty (30) days of the erection of such signs. If the actual cost exceeds the estimated cost, an amount equal to the difference in such costs shall be remitted to the department in nonstate funds within thirty (30) days of the sponsoring person or entity receiving an itemized invoice of the actual cost from the department.

(f) The appellation "Bob 'Single Wing' Harrill Memorial Highway" provided for in this section is for honorary purposes only and nothing contained herein shall be construed as requiring the alteration of any address, or the governmental system for assigning addresses, in any county, municipality, or other governmental entity affected by this section.

Senator Tracy moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 673**, which motion prevailed by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Overbey, Roberts, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--29.

A motion to reconsider was tabled.

Senator Yager moved that **Senate Bill No. 1252** be returned to the House, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2313 -- Sunset Laws -- As introduced, extends board of nursing, 2014; revises membership of board. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 7.

HOUSE AMENDMENT NO. 3

AMEND by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-232(a), is amended by deleting subdivision (63) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 4-29-235(a), is amended by adding a new subdivision thereto, as follows:

() Board of nursing, created by § 63-7-201;

SECTION 3. Tennessee Code Annotated, Section 63-7-202, is amended by deleting the section in its entirety and by substituting instead the following:

(a) The governor shall appoint eleven (11) members to the board, as follows:

(1) Nine (9) members, one (1) from each congressional district, who are either an advanced practice nurse or a registered nurse at the time of their appointment. At least two (2) members shall be registered nurses;

(2) One (1) member who is a licensed practical nurse at the time of such nurse's appointment; provided, at least one (1) member shall be a licensed practical nurse; and

(3) One (1) consumer member.

(b) In making appointments to the board, the governor shall consider appointing members who work in variety of healthcare positions, including the following practice settings:

(1) A Level I trauma center licensed pursuant to Title 68, Chapter 11, Part 2;

(2) An acute care hospital;

(3) A critical access hospital or a rural hospital;

(4) A mental health facility licensed under Title 33; and

(5) A long-term care facility.

(c) No more than three (3) members shall be engaged in an academic position at the time of their appointment to the board.

(d) In making appointments to the board, the governor should consider the importance of geographical diversity to this board.

(e)(1) Members of the board may be appointed by the governor from lists of qualified persons submitted by interested nursing groups including, but not limited to, their respective organizations. Each list may contain a minimum of three (3) times as many names as the number of appointments to be made. Lists of persons shall be submitted at least forty-five (45) days prior to the expiration of the term of office of any members of the board. The appointment provisions of this subdivision (1) shall not apply to the public member serving on the board.

(2) In making appointments to the board in accordance with subdivision (1), the governor shall consult with interested nursing groups including, but not limited to, their respective organizations to determine qualified persons to fill the positions.

(f) Each licensee member appointed to serve on the board shall:

(1) Be a resident of this state for at least one (1) year immediately preceding appointment;

(2) Be currently licensed and in good standing with an unencumbered license; and

(3) Have no less than five (5) years of experience as an advanced practice nurse, registered nurse, or licensed practical nurse.

(g) The consumer member appointed to the board shall:

(1) Be a resident of this state for at least one (1) year immediately preceding their appointment;

(2) Not have a direct or indirect financial interest in healthcare services;

(3) Not have been a healthcare provider or be enrolled in any health-related educational program; and

(4) Not be a member or employee of any board of control of any public or private healthcare organization.

(h) A vacancy on the board shall be filled for the unexpired term by appointment by the governor in such a manner to ensure the requirements of this section are met.

(i) In making appointments to the board, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older and that at least one (1) person serving on the board is a member of a racial minority.

(j) Except as provided in subsection (k), members currently holding appointments on the board shall serve their full terms. As vacancies occur, new appointments shall be filled by the governor in accordance with this section.

(k) No member shall serve more than eight (8) continuous years on the board. A member shall be eligible to be reappointed after not serving on the board for four (4) years. The term of any member of the board with eight (8) or more years of service on the board upon the effective date of this act shall terminate January 1, 2013.

SECTION 4. Tennessee Code Annotated, Section 63-7-203, is amended by deleting the language "three (3) consecutive terms.", and by substituting instead the language "two (2) consecutive terms. At least four (4) years shall lapse before a member may be reappointed to the board or may serve in any capacity associated with the board."

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Bell moved that the Senate concur in House Amendment No. 3 to **Senate Bill No. 2313**.

Senator Bell moved that **Senate Bill No. 2313** be placed at the heel of the Message Calendar for today, which motion prevailed.

Mr. Speaker Ramsey moved that **Senate Bill No. 2551** be placed on the Message Calendar for Monday, April 9, 2012, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2609 -- Medical Occupations -- As introduced, provides immunity to medical doctor or osteopathic physician who makes a report to law enforcement regarding an employee's unauthorized use of the doctor or physician's DEA registration number to write prescriptions. Amends TCA Title 63, Chapter 9 and Title 63, Chapter 6.

HOUSE AMENDMENT NO. 1

AMEND by deleting subsection (b) of the amendatory language of Section 1 in its entirety and by substituting instead the following:

(b) Any medical doctor, firm, partnership, or corporation making a report pursuant to subsection (a) shall be presumed to be acting in good faith and shall thereby be immune from any civil liability, including administrative actions imposed for licensure revocation, and shall have an affirmative defense to any criminal liability arising from that protected activity.

AND FURTHER AMEND by deleting subsection (b) of the amendatory language of Section 2 in its entirety and by substituting instead the following:

(b) Any osteopathic physician, firm, partnership, or corporation making a report pursuant to subsection (a) shall be presumed to be acting in good faith and shall thereby be immune from any civil liability, including administrative actions imposed for licensure revocation, and shall have an affirmative defense to any criminal liability arising from that protected activity.

Senator Burks moved that the Senate nonconcur in House Amendment No. 1 to **Senate Bill No. 2609**, which motion prevailed.

Mr. Speaker Ramsey moved that **Senate Bill No. 2718** be placed on the Message Calendar for Monday, April 9, 2012, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2723 -- Local Education Agencies -- As introduced, allows local boards of education to conduct scheduled board meetings electronically in some circumstances. Amends TCA Title 8, Chapter 44, Part 1 and Title 49, Chapter 2.

HOUSE AMENDMENT NO. 2

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent accordingly:

SECTION _____. The provisions of this act shall not apply in any county having a metropolitan form of government and a population in excess of five hundred thousand (500,000) according to the 2010 federal census or any subsequent federal census.

Senator Finney moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 2723**, which motion prevailed by the following vote:

Ayes 29
Noes 0
Present, not voting . . . 1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson and Mr. Speaker Ramsey--29.

Senator present and not voting was: Stewart--1.

A motion to reconsider was tabled.

HOUSE AMENDMENT NO. 5

AMEND by deleting subdivision () (1) in Section 1 in its entirety and by substituting instead the following:

(1) Notwithstanding Title 8, Chapter 44, Part 1, a local board of education may conduct a scheduled board meeting by electronic means as long as the member can be visually identified by the chairman, including, but not limited to, telephone, videoconferencing or other Web-based media, if a member is absent because the member is required to be out of the county in which the LEA is located for the member's work, the member is dealing with a family emergency as determined by the LEA, or because of the member's military service. Only members who are out of the county for work, family emergency or military service may attend and participate in the meeting electronically.

Senator Finney moved that the Senate concur in House Amendment No. 5 to **Senate Bill No. 2723**, which motion prevailed by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2838 -- Special License Plates -- As introduced, authorizes issuance of Boy Scouts of America new specialty earmarked license plates; allocates 50 percent of funds derived from sale thereof to five Tennessee Councils of Boy Scouts to fund and support scouting programs and activities. Amends TCA Title 55, Chapter 4.

HOUSE AMENDMENT NO. 1

AMEND by deleting the language "new specialty earmarked plates" from Section 2(b) and by substituting instead the language "new specialty earmarked license plates".

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AND FURTHER AMEND by deleting the language "new specialty license plates" from Section 2(d) and by substituting instead the language "new specialty earmarked license plates".

Senator Tracy moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2838**, which motion prevailed by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

SENATE JOINT RESOLUTION ON HOUSE AMENDMENT

Senate Joint Resolution No. 572 -- Naming and Designating -- "Landscape Architecture Month" in Tennessee, April, 2012.

HOUSE AMENDMENT NO. 1

AMEND by deleting the language "gradens and arboreta" in the fourth clause of the preamble and by substituting instead the language "gardens and arboreta".

Senator Norris moved that the Senate concur in House Amendment No. 1 to **Senate Joint Resolution No. 572**, which motion prevailed by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

Senator Bell moved that **Senate Bill No. 2313** be placed on the Message Calendar for Monday, April 9, 2012, which motion prevailed.

MOTION

Senator Norris moved that Rule 37 be suspended for the purpose of allowing **Senate Joint Resolutions Nos. 183 and 710** to be placed on the Calendar for Wednesday, April 11, 2012, if recommended for passage by the Committee on Finance, Ways and Means, Tuesday, April 10, 2012, which motion prevailed.

MOTION

Senator Norris moved that the Proposed Schedule for the week of April 9, 2012, be adopted and made the action of the Senate, which motion prevailed.

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**TENNESSEE STATE SENATE
107th GENERAL ASSEMBLY**

**PROPOSED SCHEDULE
FOR THE WEEK OF APRIL 9, 2012**

MONDAY – April 9

4:00 p.m. Session – Senate Chamber

TUESDAY – April 10

8:30 a.m. – 11:30 a.m.	Finance, Ways & Means Committee
11:30 a.m. – 12:30 p.m.	Lunch
12:30 p.m. – 2:00 p.m.	Budget Subcommittee
2:00 p.m. – 5:00 p.m.	Judiciary Committee (Final Calendar)

WEDNESDAY – April 11

8:30 a.m.	Session – Senate Chamber
10:30 a.m. – 12:30 p.m.	Commerce, Labor & Agriculture Committee (Final Calendar)
12:30 p.m. – 1:00 p.m.	Lunch
1:00 p.m. – 3:00 p.m.	Education Committee (Final Calendar)
3:00 p.m. – 5:00 p.m.	Judiciary Committee (Final Calendar)

THURSDAY – April 12

9:00 a.m. Session – Senate Chamber

NOTE: Fiscal Review Committee meeting, Monday, April 9, 2012, at 1:00 p.m., in 16 LP.

MOTION

On motion of Senators Ford, Henry, Herron, Kyle and Marrero, their names were added as sponsors of **Senate Bill No. 673**.

On motion of Senator Stewart, his name was added as sponsor of **Senate Bills Nos. 2129 and 3018**.

On motion of Senator Summerville, his name was added as sponsor of **Senate Bills Nos. 2179 and 2856; and Senate Resolution No. 93**.

On motion of Senators Gresham and Massey, their names were added as sponsors of **Senate Bill No. 2206**.

On motion of Senators Burks and Overbey, their names were added as sponsors of **Senate Bill No. 2240**.

On motion of Senator Burks, her name was added as sponsor of **Senate Bills Nos. 2241, 2277, 3424 and 3535**.

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On motion of Senators Barnes, Burks, Ford, Harper, Marrero, Massey, Norris, Overbey and Yager, their names were added as sponsors of **Senate Bill No. 2324**.

On motion of Senators Beavers, Barnes, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Bill No. 2401**.

On motion of Senator Henry, his name was added as sponsor of **Senate Bill No. 2427**; and **House Joint Resolution No. 734**.

On motion of Senators Barnes, Roberts, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Bill No. 2496**.

On motion of Senator Ford, her name was added as sponsor of **Senate Bills Nos. 2556, 2723, 3074 and 3178**.

On motion of Senator Bell, his name was added as sponsor of **Senate Bill No. 2778**.

On motion of Senators Beavers, Bell, Berke, Burks, Crowe, Ford, Harper and Roberts, their names were added as sponsors of **Senate Bill No. 2955**.

On motion of Senator Johnson, his name was added as prime sponsor of **Senate Bill No. 3096**.

On motion of Senator Norris, his name was removed as sponsor of **Senate Bill No. 3096**.

On motion of Senators Ford, Kelsey, Massey, Overbey, Southerland and Yager, their names were added as sponsors of **Senate Bill No. 3137**.

On motion of Senator Kelsey, his name was added as sponsor of **Senate Bill No. 3216**.

On motion of Senator Massey, her name was added as sponsor of **Senate Bill No. 3581**.

On motion of Senator Marrero, her name was added as sponsor of **Senate Joint Resolution No. 671**.

On motion of Senators Henry, Kyle, Tracy, McNally, Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Marrero, Massey, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Watson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Joint Resolution No. 733**.

On motion of Senators Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Joint Resolution No. 760**.

On motion of Senators Henry, Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **House Joint Resolution No. 841**.

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On motion of Senator Barnes, his name was added as sponsor of **House Joint Resolution No. 842**.

ENGROSSED BILLS

April 5, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Bills Nos. 2212, 2241, 2289, 2678, 2699, 3216, 3262, 3310, 3403, 3424 and 3759; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk.

MESSAGE FROM THE HOUSE

April 5, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2639, 2749, 2750, 2752, 3257, 3468, 3499 and 3828; passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 5, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 841, adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 5, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 853, 854, 855, 856, 857, 858, 859, 860, 861 and 862; adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 5, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 68, 1447 and 2821; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,
Chief Clerk.

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MESSAGE FROM THE HOUSE

April 5, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2714, 2796, 2916, 2982, 3604 and 3627; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 5, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722 and 726; concurred in by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 5, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 733, concurred in by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 5, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 760, concurred in by the House.

JOE MCCORD,
Chief Clerk.

ENROLLED BILLS

April 5, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bills Nos. 673, 1447, 2230, 2237, 2714, 2723, 2742, 2796, 2821, 2838 and 2916; and Senate Joint Resolutions Nos. 572, 712, 713, 714, 715, 716, 717, 718, 719, 720, 733 and 760; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk.

THURSDAY, APRIL 5, 2012 -- 68TH LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

April 5, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 841, for the signature of the Speaker.

JOE MCCORD,
Chief Clerk.

SIGNED

April 5, 2012

The Speaker announced that he had signed the following: Senate Bills Nos. 2698, 2844, 2870, 2900, 3234, 3394, 3397 and 3787; Senate Joint Resolutions Nos. 731 and 738; and Senate Resolution No. 92.

SIGNED

April 5, 2012

The Speaker announced that he had signed the following: House Joint Resolution No. 841.

MESSAGE FROM THE HOUSE

April 5, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2698, 2844, 2870, 2900, 3234, 3394, 3397 and 3787; signed by the Speaker.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 5, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 731 and 738, signed by the Speaker.

JOE MCCORD,
Chief Clerk.

REPORT OF DEPUTY CHIEF CLERK

April 5, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 2140, 2625, 2910 and 3588; and Senate Joint Resolutions Nos. 674, 702, 705, 706, 707 and 708; for his action.

ALAN WHITTINGTON,
Deputy Chief Clerk.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, April 9, 2012: Senate Joint Resolutions Nos. 723, 727, 728, 729, 730 and 732; and House Joint Resolutions Nos. 695, 812, 823, 842 and 846.

This the 5th day of April, 2012.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, April 9, 2012: Senate Bills Nos. 2398, 2487, 2795, 3202, 3594, 3596 and 3629; and House Joint Resolutions Nos. 557, 577, 649 and 664.

This the 5th day of April, 2012.
MIKE FAULK, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, April 9, 2012: Senate Bills Nos. 1631, 1688, 1923, 2225, 2484, 2511, 2514, 2515, 2591, 2596, 2633, 2635, 2693, 2845, 2967, 2986, 3101, 3115, 3159, 3174, 3331, 3345, 3503, 3597, 3606, 3628, 3632, 3651, 3652, 3663, 3751, 2492, 2857, 2912, 2923 and 3742.

This the 5th day of April, 2012.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
SENATE MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bills and they have been set on the Message Calendar for Monday, April 9, 2012: Senate Bills Nos. 2313, 2551 and 2718.

This the 5th day of April, 2012.
MIKE FAULK, Chairperson.

ADJOURNMENT

Senator Norris moved the Senate adjourn until 4:00 p.m., Monday, April 9, 2012, which motion prevailed.